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# Congressional Record S. 14925 - Pornography

Mike Mansfield 1903-2001

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### THE FIGHT AGAINST PORNOGRAPHY

Mr. MANSFIELD. Mr. President, on yesterday, I had the opportunity to appear before the Committee on Post Office and Civil Service and there I spoke on behalf of the bill, S. 3220, introduced by the Senator from Arizona (Mr. GOLDWATER) and me. It seeks to face up to the problem of unsolicited pornographic literature being sent through the mails to unsuspecting persons who neither desire nor want it but who, unfortunately, have had no recourse until the amendment to the postal reform bill introduced by the Senator from Arizona (Mr. GOLDWATER), which I co-sponsored, as did a number of other Senators, took the first step in facing up to the problem of the invasion of the privacy of one's home in this manner—a manner which, incidentally, puts the U.S. Government, through the Post Office Department, in the position of being the handmaiden in the delivery of this type of stuff, this smut—to people who neither desire nor want it—the type of lewd literature which all too often falls into the hands of children and against which there is not, up to this time, sufficient protection.

Mr. President, I ask unanimous consent to have printed in the RECORD the testimony which I gave yesterday on behalf of the Mansfield-Goldwater proposal.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

#### THE FIGHT AGAINST PORNOGRAPHY

Mr. Chairman and Gentlemen of the Committee: Among the most basic troubles facing this nation today are crime, violence, and pornography. Many people talk about these subjects but seem unwilling to do anything to curb them. Many people raise Constitutional questions about proposals before the Senate, Constitutional questions which—I might say—have to do with the rights of the accused and the criminal elements more than they do with the Constitutional rights of the robbed, the raped, the maimed, and those who are subject to receiving unsolicited pornographic literature through the mails. I emphasize the word "unsolicited."

I point out that when this type of lewd literature comes through the mails, it is delivered to unsuspecting parents and often

times to their children. Just as under the Drug Control Act, the emphasis in this legislation should be placed on and against the "pusher" or peddler of this smut. It is long past the time when we must face up to legislation of this sort and do something about this type of pernicious propaganda. Our people are entitled to privacy within their homes. They should not be assaulted with this type of "literature" and, therefore, their rights to privacy must be maintained.

I mentioned the Constitutional rights we advocate in behalf of the accused, the criminal, the pusher, and the peddler. What about the rights of the innocent and the aggrieved? Should we sit by and quibble over Constitutional questions which the Courts can and should decide while allowing crime to become more rampant, while allowing violence to continue to spread, while we see our police insulted, spat upon and accused of being "pigs" to mention just one of the least obscene epitaphs heaped on them? Or are we going to face up to our responsibilities as Senators and meet these issues head-on in behalf of the people we represent?

As I have said, Mr. Chairman, talk alone is worthless. And sometimes, action is not politically expedient. I believe we owe our primary responsibility to the people of this nation, and I believe too many of us have been derelict in our responsibilities in facing up to these issues of violence, crime and pornography.

The First Amendment to the Constitution is not all-embracing because it has definite limits in the right to exercise the freedoms involved. I believe in the First Amendment but I do not believe it allows any leeway for crime, for license, or for the sending of unsolicited pornographic materials through the mails to the citizens of this country.

As our society enters a new decade, the American people are both confronted with and confused by some of the most complex issues ever faced in our history. Increased crime and drug addiction, a widening gulf between the young and old, between our congested urban centers and the sparse rural areas, student unrest, and the on-going crisis over our foreign involvement; these constitute just some of the problems. One of more recent origin concerns the protection of individual privacy. This right is as fundamental as the safeguards provided under the Constitution. It includes most assuredly the protection of our citizens from unwanted invasions of their privacy in the form of unsolicited, obscene, pornographic materials.

In the past several years there has been a tremendous increase in the indiscriminate mailing of obscene matter through the United States mail. These mailings go out under any number of mailing lists obtained from a variety of sources. In most cases they receive the protection given First Class mailings. These advertisements and circulars are offensive. They shock the general moral standards of most citizens. And there must be some way to protect the individual, especially to safeguard the very young and impressionable against this kind of unwanted solicitation. Doing so while also recognizing the privacy of the United States mails is a difficult task indeed. In any case, I believe that we must hit hard at the purveyor and give the receiver some means of resource.

My mail on this general subject has been extremely heavy during the past year. I have given the issue a great deal of thought about what must be done.

As a first step, I was pleased that the amendment offered by the distinguished Senator from Arizona (Mr. Goldwater) and myself to the Postal Reform bill was enacted into law. While this measure would penalize the smut panderer if he mailed his unwanted materials to anyone seeking a ban, it still



